

MINUTES OF THE VIGO COUNTY COUNCIL
AUGUST 29, 2006

Sheriff Jon Marvel called the meeting to order at 7:00 P.M.

Sheriff Jon Marvel led the Pledge of Allegiance.

Mr. Bob Hellmann announced that Mr. Jim Bramble, Vigo County Auditor, was excused due to a death in his family. Mr. Hellmann then asked Ms. Kylissa Miller, Deputy Auditor, took roll call. All members were present.

The chair declares a quorum.

Mr. Hellmann entertained a motion for approval of the July 18, 2006 Council meeting minutes. Mr. Darrick Scott moves to accept the minutes. Mr. Turk Roman seconds motion. All members voting aye unanimously, motion passes.

Mr. Hellmann reported that the Vigo County Taxpayers' Association brought to the attention of the Council that previously there had been some technical difficulties in accessing our web site. This matter has now been resolved and the 2006 Council Meeting Minutes are now posted from January through June.

Comments from the public. There were none.

Communications from elected officials of the County. Mr. Hellmann asked for comments from elected officials present. He recognized Sheriff Jon Marvel. Sheriff Marvel brought to the attention of the Council and the public-at-large that the Sheriff's Department had applied for a \$43,000 grant from the Federal Department of Homeland Security. Said grant was applied for on behalf of the county by the Vigo County Emergency Management Agency and we have just received word of its approval today. Dr. Dorene Hojnicky, Director of the Vigo County Emergency Management Agency, gave us the information. This grant will allow for a new state-of-the-art X-ray machine and a new walk-through magnetometer used to screen for weapons as it detects the presence of magnetic materials. This magnetometer will take a picture of everyone who enters the courtroom. We are hoping to move the fairly new X-ray machine that we have now into the mailroom for the scanning of all mail before it is delivered to the various government offices. The federal funds are to be received by the county in October with the new equipment expected to be in use by early January 2007.

Mr. Hellmann also asked Sheriff Marvel to present his request for additional monies for four additional correctional officers for the movement of excess inmates over the cap. I worked with President Hellmann on this issue. I will be amending that request to just ask for a dollar figure for overtime for current staff that I have now. Hopefully, next year, I'll be able to ask for at least two more correctional officers. We presently have twenty-five inmates over at Clay County's Jail now. The Commissioners did negotiate with the Clay

County Sheriff a drop in the rate that he is charging the Department of Corrections. But it's still crossing this \$30.00 that we pay for each inmate to be housed over there. Having done that, we are able to maintain an inmate count below the mandated cap of 268. It works pretty well until today. I did a census on Friday and we have gone back and looked at the average inmates coming in which averages about twenty over the weekend. Then that drops down to probably ten that we keep the rest of the week. It is a fluctuating thing that we have in our department because we are continuously moving inmates in and out." Mr. Hellmann recognized Mr. Turk Roman. Mr. Roman asked, "As it now stands, we are spending anywhere from \$600 - \$800 per day to house excess inmates in Clay County?" Sheriff Marvel responded, "Yes sir." Mr. Hellmann recognized Mr. Brad Anderson. Mr. Anderson asked, "If the inmates get sick, are we still responsible for their medical or anything like that?" Sheriff Marvel responded, "Yes sir." Mr. Hellmann also asked, "So the \$30.00 per day is not inclusive of the medical costs?" Sheriff Marvel stated, "With the current medical staff (doctor and nurse) that we have right now, we have really done well this year on medical costs. The inmates that I send over there are long-term inmates (over 180 days) and are basically clear of any medical problems. If someone develops an issue over there, we will bring them back over here so that our doctor can tend to them because he has a handle of the costs." Mr. Hellmann thanked Sheriff Marvel for his input on this matter.

Commissioners Judith Anderson and Bill Bryan were present for this meeting also.

Communications from other officials or agencies. There were none.

Reports from standing committees:

Personnel.

Budget Adjustment, Transfers, and Appropriations.

Annual Budget. Mr. Darrick Scott reported that his committee had met and will be presenting appropriations at the Annual Budget Meetings scheduled for September 13, 14, 15, 18, 19, and 20, 2006 at 1:00 o'clock P.M.

Reports from select committees. There were none.

Resolutions extending the approval, authority or agreement of the Council.

Resolution 2006-12 regarding tax abatement for Garmong Development. Mr. Lou Britton, attorney for Garmong Development, presented the preliminary abatement for the purpose of Garmong Development leasing space to a corporation in the Vigo County Industrial Park for a period of five years. This matter was discussed in detail with the Council. [Mr. Darrick Scott made motion to accept this preliminary Resolution. Mr. Mark Bird seconds motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, with a roll call vote, motion passes.] Note: At the request of Mr. Britton, this abatement was withdrawn.

Ordinances relating to appropriations.

Ordinance Authorizing The Issuance Of Tax Anticipation Warrant. Mr. Hellmann announced that we have the Council's Attorney, Rowdy Williams, present with us tonight. He is also the author of the upcoming Ordinance Authorizing The Issuance Of Tax Anticipation Warrant regarding the \$1,200,000.00 loan for Family & Children's Services due to their shortfall. Mr. Hellmann also announced that Mr. Glen Cardwell, Director of Family & Children's Services, was also present. Mr. Hellmann recognized Mr. Cardwell. Mr. Cardwell stated, "My office has had to come back to the Council and request additional monies in order to cover our expenses and the County cannot advance monies to pay our bills. So between the first of this year and June and between July and the end of the year, the only monies we have are monies coming in for reimbursements and the like. We lack money to cover our operating expenses. The state informed the counties that they must go to the county for additional appropriations. If the Council couldn't advance the monies, then the Commissioners must take out a loan to cover their expenses. If the Commissioners chose not to do this, then the state would order them to borrow the money." Mr. Hellmann recognized Mr. Brad Anderson. Mr. Anderson asked, "What does a warrant mean? What is the definition of a warrant? Mr. Hellmann responded, "A warrant is an order ordered by a judge authorizing something to be done. I will give a little history on this matter. As all of you will recall, we had some difficulty getting this passed last year regarding the budget for Family & Children's Service. We funded that department at their expenditure level for 2005 plus another \$350,000 to retire about a \$740,000 of a shortfall. That shortfall had been advanced by the Auditor out of other funds as these things presented themselves. I believe the monies were taken out of the Assessment Fund. This Fund is the healthiest fund we have because it is money accumulated and not to be used for several years. As it turned out, the expenditures for 2006 exceeded what we had levied and authorized for 2006. So that by the middle of 2006, most of that had been expended and having little or no operating balance, the Council approved the bills. So the Auditor, after being dinged by the State Board of Accounts that he can't do what the State Welfare tells him to do. We insisted that the State Welfare Department follow state statutes if they wanted us to do the same. We advised them that it appeared to us that there would be a shortfall in revenues for the balance of 2006. If they wanted to do something about it, they would have to issue an order certifying that request which would allow us to do what was requested of us. After a hearing was had, their order came back and it was a recommendation which I interpreted to be an order, without saying so, to the Commissioners. This order stated that they go out and borrow sufficient funds to carry them throughout the end of the year and the department certified that that amount was \$1,200,000.00 that was necessary to get them through the end of the year at the current rate of expenditures. The Commissioners undertook to do that and inquired of Crowe Chizek and Company LLC on long-term finance issues. Crowe Chizek determined that the most economical way to go about doing that was to borrow the money was simply in tax anticipation warrant or tax anticipation loan. Most financial institutions will loan money on the promise that you have tax revenues coming in during a short period of time and with those revenues allow you to pay. In order for them to proceed, a judgment of our lawyer, Mr. Williams, this ordinance is necessary for us to direct the Commissioners that we concur in their

borrowing of \$1,200,000.00 has been certified by the Director of Family & Children's Services. So, that's where we are at present. This borrows against future revenue. We will have before the Council as we go through our budget proceedings in September a budget and another order from the department as to what they feel is necessary and appropriate for us to be required to raise revenue for the ensuing year. We are not here to decide that tonight." Mr. Hellmann recognized Mr. Turk Roman. Mr. Roman stated, "If I may simply...what was the shortfall? Was it \$740,000? So we'll have the \$740,000, the \$1,200,000.00 and when they come back at the end of the year, they'll be back in February and March 2007 in the same situation. We're band-aiding the problem but we have no choice." Mr. Hellmann stated, "Councilman Mark Bird went back and had Mr. Matt Muckler research the budget levels and expenditure levels of Family & Children's Services. Over a period of time since 1997 through 2006, the increase in this levy is Two Million Seventy-six Thousand Dollars. By 2006, it was Five Million Four Hundred Ninety-Seven Thousand Dollars. This is approximately a 165% increase with an annualized increase of 18.3% per year. The County General Fund in 1997 was Eighteen Million Four Hundred Thousand Dollars and it has grown to Twenty-five Million Six Hundred Thousand Dollars. Family & Children's Services at one point was basically one-ninth of our general levy. It is now a little more than one-fifth of our general levy. So while it grew 164%, we grew 38%. What this portends at this current expenditure change is symptomatic of a lot of other problems beyond the control of either Family & Children's Services or the Council. This is due to the rise in poverty and family circumstances. But this is out of our control and there are a lot of issues out there. This problem has to be solved by the legislature." Mr. Hellmann recognized Mr. Tim Curley. Mr. Curley asked, "Is a failure to pass a failure to borrow?" Mr. Hellmann responded, "Yes, a failure to pass is a failure to borrow. Then the Department having issued an order that the money be borrowed, and having failed to comply with that, they can appeal to the Department of Local Government for Finance as I understand the statute. Then the Department of Local Government for Finance can issue an appropriate order. The range of an appropriate order I think includes an order in writing removing the money from the County General Fund. It opens the door to unacceptable alternatives. Is there any further discussion? Do I have a motion to adopt this Ordinance?" Mr. Turk Roman made motion to adopt the Ordinance. Mr. Mike Morris seconds motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, motion passes. Mr. Hellmann recognized Mr. Turk Roman. Mr. Roman stated, "I hope that you don't feel that there is any problem between us. It's a situation that, unfortunately, and Mr. Skinner and our Senators all realize that we have to meet the obligations of Family & Children's Services and none of us are happy with it but Mr. Cardwell we still appreciate the work that you do and don't take any of this personal." Mr. Hellmann stated, "The chair concurs."

Additional Appropriation Ordinance 2006-31. Mr. Darrick Scott made motion to adopt the Appropriation, as amended, regarding Line Item 437-40 for mileage requested by the Treasurer. Mr. Turk Roman seconds motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, with a roll call vote, motion passes.

Mr. Hellmann asked Commissioner Judith Anderson to come forward and enlighten the Council and the public-at-large regarding the Vigo County Commissioners' request for \$55,547 in order to cover "Line Item 433-30-Clerk" for Contractual Services for the remainder of 2006. Commissioner Anderson explained that the original request should have come from the Commissioners' Office not the Clerk's Office. Commissioner Anderson also explained that Contractual Services was in the original Renovation Account for the Vigo County Courthouse. In order to complete this project, the Commissioners hired personnel through Kelly Services who had previously worked under the former corporation to finish the scanning of records. These people are keeping the scanning process up and running for the various Courts' Record. Also, Commissioner Anderson reported that they may not have to use the entire amount of \$55,747 requested in order to complete this task. Mr. Darrick Scott made motion to adopt the Appropriation, as amended, regarding Line Item 433-30-Contractual Services be amended from Clerk to Commissioners. Mr. Mark Bird seconds motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, motion passes.

Mr. Hellmann passed gavel Mr. Turk Roman.

SALARY ORDINANCE 2006-12. Mr. Roman recognized Mr. Hellmann. Mr. Hellmann stated, "These requests arose from discussion with the new Director of Emergency Management, Dr. Doreen Hojinicki, who was hired just in time to be tardy on the budget submission. She then submitted a budget within two days with little assistance. I suggested that she take her time and get a realistic budget together when she had a better insight, under the agency, and input from her Advisory Board and that the Council would deal with a more realistic budget based on that input at a later time as an amendment to whatever might be passed this year. When we visited with her on the existing personnel, all of these positions are currently funded under the existing budget that has already been appropriated. That is there is a director, there is an assistant director, there is an information officer, and there are two part-time secretaries. This was a reconfiguration of what those salaries were and requires no additional personnel and there is no additional funding but Dr. Hojinicki wanted some clarification on just what those positions were and how much they would pay before she advertises them. So in order to give her that kind of clarity, I volunteered to submit this Ordinance and bring it to the Councils' attention this evening and can only be considered by a unanimous consent. Mr. Chairman, I would ask the Chair if he can solicit unanimous consent to proceed with this Ordinance for further discussion." Mr. Roman stated, "Okay Council, if we hear correctly, some late changes had to be made in the Emergency Management Department's request. We are talking about budgetary items and currently, there is going to be a move to change the director's classification with no change in pay. The assistant director will remain at the same salary and they are going to change positions with the remaining staffers...what are we talking about numbers?" Ms. Kylissa Miller, Chief Deputy Auditor, responded, "Right now, they have three part-time employees and they are going to four full-time employees." Mr. Roman asked, "So there is no change in monies, correct? It's just a reconfiguration." Any questions for Mr. Hellmann?" Mr. Roman recognized Mr. Brad Anderson. Mr. Anderson asked, "Are they changing the grades up or what?" Mr. Hellmann responded, "There were two part-time employees who

were un-graded and they were paid approximately \$10,000 per year. That was converted to an administrative assistant's position at a grade 6 paying a little more than the two part-time employees but not very much. I think it's a grade 6, step 1 and that salary is approximately \$22,000 or \$22,500. This is at the rate and pay which is the most predominant grade for most of the clerical staff that works for the county. As a matter of fact, there is no clerical staff to my knowledge that works for the county at a grade 5. We found one last year and boosted her to a grade 6. I may be wrong on that but the assistant to the director was formerly entitled deputy director. The new director was not prepared to make this first hire and giving them the title of deputy director at this point in time until she gets a better handle on what the agency might look like with her coordination and our concerns. That position was a grade 9 with considerable longevity so this position will also be a grade 9. The information and communications officer includes grant writing and that was in the previous budget a grade 7 with a great deal of longevity. So grade 8, step one comes in less than that but that's still not a very high compensated position even though it's above the average in the county. Most of the county employees are grades 5, 6, and 7. Grade 8 is a little bit above the norm but given our low pay scale, it's not so that would be a grade 8. It was a grade 7 with about 10–15 steps on it. That comes in less than what it was. The director's agreed 15 that was previously a grade 12 with about 15 steps on it. The pay is approximately the same by about \$1,000. At the time the new director was hired, she was not sure of the salary. The Advisory Board for the Emergency Management Office oversees their office but the County Commissioners have a seat on the Board." Mr. Hellmann recognized Ms. Kylissa Miller, Chief Deputy Auditor. Ms. Miller stated, "Before you make a motion, please clarify the part about making Dr. Hojinicki's salary retroactive to her start date of July 24, 2006." Mr. Darrick Scott made motion to adopt the Ordinance. Mr. Bob Hellmann seconds motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, with a roll call vote, motion passes.

Mr. Roman passes gavel back to Mr. Hellmann.

Honorary resolutions. There were none.

Resolutions relating to fiscal policies of the Council. There were none.

First reading by summary reference of proposed ordinances and resolutions.

There were none.

Appointments. Mr. Hellmann stated, "On the October 17, 2006 Log Sheet we have several requests for additional monies and one transfer. I will refer these requests as follows:

The Sheriff has requested additional funds. This matter is being referred to the Special Projects' Committee for review.

The Sugar Creek Assessor has requested additional funds. This matter is being referred to the Budget Adjustment Committee for review.

The Coroner has requested additional funds. This matter is being referred to the Budget Adjustment Committee for review.

The Council has requested additional funds. This matter is being referred to the Budget Adjustment Committee for review.

The Convention & Visitor's Bureau has requested additional funds. This matter is being referred to the Special Projects' Committee for review.

The Health Department has requested additional funds. This matter is being referred to the Budget Adjustment Committee for review.

The Alcohol & Drug Department has requested to transfer funds. This matter is being referred to the Budget Adjustment Committee for review.

The Auditor has requested additional funds. This matter is being referred to the Special Projects' Committee for review.

The Treasurer has requested additional funds. This matter is being referred to the Budget Adjustment Committee for review.

The Jail has requested additional funds. This matter is being referred to the Special Projects' Committee for review.

Garmon Development Co., Inc. has requested a preliminary approval for abatement. This matter is being referred to the Special Projects' Committee.

The Chair recessed the meeting at 8:07 P.M. momentarily.

The Chair continued the meeting at 8:10 P.M.

Mr. Hellmann requested Ms. Kylissa Miller, Chief Deputy Auditor, to proceed with the first reading of the 2007 Budget.

The Chair, as an *ex officio* member of the Emergency Management Advisory Board. Under state statute, the Chair is authorized to designate William Hanna to be the new President of the Advisory Board of Emergency Management. The Chair also requested that we have an address so that the Auditor can receive notifications.

Adjournment. Mr. Darrick Scott made a motion to adjourn the meeting. Mr. Tim Curley seconds the motion. The Council adjourned at 8:21 P.M.

MOTIONS

AUGUST 29, 2006

Minutes - July 19, 2006 – Mr. Roman moves to accept the minutes as written. Mr. Bird seconds the motion. All members present voting aye, with a roll call vote, motion passes.

Resolution 2006-05 regarding a real tax abatement for Garmong Development - Mr. Turk Roman made motion to approve this Resolution. Mr. Darrick Scott seconds motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, with a roll call vote, motion passes.

Ordinance Authorizing The Issuance Of Tax Anticipation Warrant – Mr. Turk Roman made motion to approve this Ordinance. Mr. Mike Morris seconds motion. Ms. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, with a roll call vote, motion passes.

Additional Appropriation Ordinance 2006-31 - Mr. Darrick Scott made motion to adopt the Ordination, as amended, regarding Line Item 437-40 for mileage requested by the Treasurer. Mr. Turk Roman seconds motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, with a roll call vote, motion passes. Mr. Darrick Scott made motion to adopt the Ordinance, as amended, regarding Line Item 433-30 for Contractual Services. Mr. Mark Bird seconds motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, with a roll call vote, motion passes.

Salary Ordinance 2006-12 – Mr. Darrick Scott moves to approve the Ordinance with the Director's salary retroactive to July 24, 2006. Mr. Bob Hellmann seconds motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members voting aye, with a roll call vote, motion passes.

Presented to the Vigo County Council, read in full and adopted as written this 29th day of August 2006.

AYE

NAY

_____	Brad Anderson	_____
_____	Mark Bird	_____
_____	Tim P. Curley	_____
_____	I. Mike Morris	_____
_____	Turk Roman	_____
_____	Darrick C. Scott	_____

Robert Hellmann, President

Attest:

James W. Bramble
Auditor